

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII
300 ALA MOANA BLVD. RM C-353
HONOLULU, HAWAII 96850

LESLIE E. KOBAYASHI
UNITED STATES MAGISTRATE JUDGE

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September 19, 2007

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Re: Christopher MacDonald v. Kahikolu, Ltd.
CV. NO. 02-00084 LEK


Dear Mr. McPherson and Mr. Wootton:

Thank you for your letter and offer to have counsel draft the Findings of Fact and Conclusions of Law ("FOFCOL") in the above matter. I would be greatly appreciative if Mr. Wootton would draft the FOFCOL, and Mr. McPherson can then file his objections and/or alternative language thereafter.

The court finds that the lack of a dive manual did not cause the injury sustained by the plaintiff. Further, the court declines to apply the Pennsylvania Rule in this matter.

Your assistance and patience is most appreciated.

Very truly yours,


Leslie E. Kobayashi
United States Magistrate Judge

LEK:sq

EXHIBIT A